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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,671	01/11/2002	Hiromu Kitamura	15215	8218
23389	7590	12/28/2004	EXAMINER WEST, LEWIS G	
SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA GARDEN CITY, NY 11530			ART UNIT 2682	PAPER NUMBER

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/043,671	KITAMURA ET AL.
Examiner	Art Unit	
Lewis G. West	2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 21 July 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-8 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 30 October 2002 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

Response to Arguments

Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection. Applicant's amendment's to the claims changed the scope of the claims and necessitated new rejection. Further, the arguments presented relate largely to what is specified and not that which is claimed.

Regarding the limitation of "under the plurality of buttons", when this is view in light of applicant's specification, the light source in applicant's specification is clearly under part of the housing and need not be directly under a key, but generally under the group of keys; therefore this argument with respect to Kenmochi is unpersuasive.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 4-6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenmochi in view of Son et al (US 6,278,887).

Regarding claim 1, Kenmochi discloses a portable telephone comprising: a plurality of input buttons for inputting various indications; at least one light emitting element which emits a light; (4)

Said light emitting element located under said a plurality of input buttons any one of said plurality of input buttons being a diffuser to diffuse said light emitted from said light emitting element; (2) said diffuser including:

an incidence portion which has a receiving plane positioned near said light emitting element and receiving said light emitted from said light emitting element; and a projecting portion which has a reflecting plane for reflecting said light received by said incidence portion to an upper side of said a plurality of input buttons.

(Col. 4 lines 17-41)

Kenmochi does not expressly disclose lighting the buttons when any one of said a plurality of input buttons is pushed on. Son discloses lighting buttons on a portable phone when a button is pressed. (Col. 4 lines 32-66) Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to light the keyboard when a key is pressed in order to overcome at least the problem of seeing the keys in a poorly lit area, and saving power by waiting to light until the key is pressed, both of which are known problems in the prior art which have been previously addressed by this solution.

Regarding claim 2, Kenmochi discloses portable telephone as claimed in claim 1, wherein said receiving plane of said incidence portion is a part of an arc any portions of which has an equal distance from said light emitting element. (Col. 4 lines 17-41, Figure 4)

Regarding claim 4, Kenmochi discloses a portable telephone as claimed in claim 2, wherein concave and convex are formed on a surface of said receiving plane of said incidence portion. (Col. 4 lines 17-41)

Regarding claim 5, Kenmochi discloses a portable telephone as claimed in claim 1, wherein said light emitting element is a light emitting diode. (Col. 4 lines 17-41)

Regarding claim 6, Kenmochi discloses a portable telephone as claimed in claim 2, wherein said light emitting element is a light emitting diode. (Col. 4 lines 17-41)

Regarding claim 8, Kenmochi discloses a portable telephone as claimed in claim 4, wherein said light emitting element is a light emitting diode. (Col. 4 lines 17-41)

Claims 1, 3, 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parker (5,975,711) in view of Son et al (US 6,278,887).

Regarding claim 1, Parker discloses a portable telephone comprising: a plurality of input buttons for inputting various indications;

at least one light emitting element which emits a light; (6)

said light emitting element located under said a plurality of input buttons any one of said plurality of input buttons being a diffuser to diffuse said light emitted from said light emitting element; said diffuser including:

an incidence portion which has a receiving plane positioned near said light emitting element and receiving said light emitted from said light emitting element;

and a projecting portion which has a reflecting plane for reflecting said light received by said incidence portion to an upper side of said a plurality of input buttons.

(Col. 6 lines 14-54)

Parker does not expressly disclose lighting the buttons when any one of said a plurality of input buttons is pushed on. Son discloses lighting buttons on a portable phone when a button is pressed. (Col. 4 lines 32-66) Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to light the keyboard when a key is pressed in order to overcome at least the problem of seeing the keys in a poorly lit

area, and saving power by waiting to light until the key is pressed, both of which are known problems in the prior art which have been previously addressed by this solution.

Regarding claim 3, Parker discloses a portable telephone as claimed in claim 1, wherein concave and convex are formed on a surface of said receiving plane of said incidence portion. (Col. 6 lines 14-54)

Regarding claim 5, Parker discloses a portable telephone as claimed in claim 1, wherein said light emitting element is a light emitting diode. (Col. 5 lines 1-9)

Regarding claim 7, Parker discloses a portable telephone as claimed in claim 3, wherein said light emitting element is a light emitting diode. (Col. 5 lines 1-9)

Claims 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Larose (5,512,718) in view of Son et al (US 6,278,887).

Regarding claim 1, Larose discloses a portable telephone comprising: a plurality of input buttons for inputting various indications; at least one light emitting element which emits a light;

 said light emitting element located under said a plurality of input buttons any one of said plurality of input buttons being a diffuser to diffuse said light emitted from said light emitting element; (col. 3 lines 28-42) said diffuser including:

 an incidence portion which has a receiving plane positioned near said light emitting element and receiving said light emitted from said light emitting element;

 and a projecting portion which has a reflecting plane for reflecting said light received by said incidence portion to an upper side of said a plurality of input buttons.(Figure; col. 4 lines 41-56)

Larose does not expressly disclose lighting the buttons when any one of said a plurality of input buttons is pushed on. Son discloses lighting buttons on a portable phone when a button is pressed. (Col. 4 lines 32-66) Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to light the keyboard when a key is pressed in order to overcome at least the problem of seeing the keys in a poorly lit area, and saving power by waiting to light until the key is pressed, both of which are known problems in the prior art which have been previously addressed by this solution.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

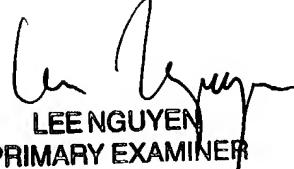
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis G. West whose telephone number is 703-308-9298. The examiner can normally be reached on Monday-Thursday 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lewis West
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LEE NGUYEN
PRIMARY EXAMINER